

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LESTER EUGENE SILER, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:05-CV-341
)	(EDGAR/GUYTON)
GERALD DAVID WEBB, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This civil action is before the Court pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by the referral of the Honorable R. Allen Edgar, Senior United States District Judge, for disposition of attorney Michael S. Farley's Motion to Withdraw and Motion for Additional Time. [Doc. 53.] Mr. Farley moves the Court for leave to withdraw from his representation of the plaintiffs. As grounds, Mr. Farley states that there has been a breakdown of communications with his clients, that there has been a disagreement over legal strategies with co-counsel, and that Mr. Farley's relationship with co-counsel and clients has deteriorated to the point where he is no longer able to effectively represent the plaintiffs. Mr. Farley also asks for a thirty day extension for co-counsel to respond to the pending motion for summary judgment.

Local Rule 83.4(f) states, in pertinent part, that "[u]nless the client personally joins in the motion or otherwise signifies in writing to the court his/her consent to the attorney's withdrawal, a copy of the motion to withdraw shall be furnished by the attorney to the client at least ten (10) days prior to the date the motion is filed." E.D.TN. LR 83.4(f). There is no indication that

plaintiff's counsel has complied with the local rules by providing the plaintiffs with a copy of the instant motion at least ten days in advance of its filing. Counsel does state in the motion that Ms. Siler has moved and has not provided counsel with a new mailing address and that Mr. Siler is currently incarcerated.

In light of counsel's failure to comply with the local rules, the motion [Doc. 53] is **GRANTED in part**, to the extent that the plaintiffs shall have an additional thirty (30) days from the entry of this Order to respond to the pending motion for summary judgment. The motion is **DENIED in part**, to the extent that Mr. Farley's request to withdraw is denied until such time as he has complied with the local rules by mailing a copy of the motion to withdraw to the last known address of Ms. Siler and to the Hardeman County Correctional Facility address of Mr. Siler. Counsel has leave to refile the motion to withdraw once he has complied with the local rules. Additionally, the Court notes that a duplicate copy of the instant motion has also been filed. [Doc. 54.] The duplicate motion [Doc. 54] is **DENIED as moot**.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge